

ORDINANCE NO. 20191114-085

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1010 CLERMONT AVENUE IN THE EAST CESAR CHAVEZ NEIGHBORHOOD PLAN AREA FROM COMMUNITY COMMERCIAL-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-V-CO-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-V-CO-NP) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district to community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district on the property described in Zoning Case No. C14-2019-0101, on file at the Planning and Zoning Department, as follows:

A tract of land containing 0.271 acre (11,817 square feet) of land, being the remainder of Lots 4, 5 and 6, Block "B", R. C. Lambies Resubdivision of Voss Addition, a subdivision recorded in Volume 3, Page 85, Plat Records of Travis County, Texas, said 0.271 acre of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 1010 Clermont Avenue in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "B"**.

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. The maximum height of a building or structure on the Property shall not exceed 40 feet.
- B. The following uses are not permitted uses on the Property:

Adult oriented businesses
Automotive repair services

Automotive rentals
Automotive sales

Automotive washing (of any type)
Club or lodge
Commercial off-street parking
Communications services
Custom manufacturing
Exterminating services
General retail sales (general)
Hospital services (general)
Hotel-motel
Indoor sports and recreation
Medical offices (exceeding 5,000 sq. ft. of gross floor area)
Outdoor entertainment
Pawn shop services
Research services
Restaurant (general)
Service station

Business or trade school
College and university facilities
Communications service facilities
Consumer convenience services
Drop-off recycling collection facilities
Funeral services
Guidance services
Hospital services (limited)
Indoor entertainment
Local utility services
Off-site accessory parking
Outdoor sports and recreation
Plant nursery
Residential treatment
Restaurant (limited)
Software development

C. The following uses are conditional uses of the Property:

Art workshop
Counseling services
Food sales
Theater

Congregate living
Cultural services
Pet services

D. Townhouse residential use is a prohibited use on the Property.

PART 3. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district, mixed use (MU) combining district and other applicable requirements of the City Code.

PART 4. The Property is subject to Ordinance No. 001214-20 that established zoning for the East Cesar Chavez Neighborhood Plan.

PART 5. This ordinance takes effect on November 25, 2019.

PASSED AND APPROVED


_____, November 14, 2019

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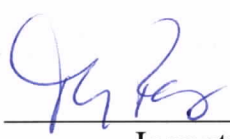
Steve Adler
Mayor

APPROVED:

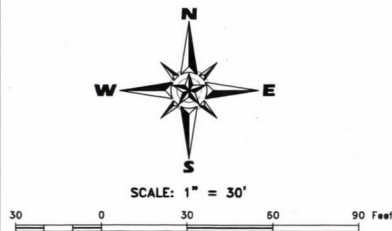


Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk



LEGAL DESCRIPTION

BEING A TRACT OR PARCEL OF LAND CONTAINING 0.271 ACRE (11,817 SQ. FT.) OF LAND, BEING THE REMAINDER OF LOTS 4, 5, AND 6, BLOCK 'B', R.C. LAMBIES RESUBDIVISION OF VOSS ADDITION, A SUBDIVISION RECORDED IN VOLUME 3, PAGE 85, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (T.C.P.R.), BEING THAT SAME TRACT OF LAND DESCRIBED AS TRACT #1 CONVEYED TO H&S TRUST BY DEED RECORDED IN DOCUMENT NO. 200807441, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (T.C.P.R.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: ALL BEARINGS ARE BASED ON THE DEED RECORDED IN VOLUME 6574, PAGE 953, DEED RECORDS OF TRAVIS COUNTY, TEXAS (T.C.D.R.).

BEGINNING AT A 3/4" IRON PIPE FOUND IN THE SOUTHERLY RIGHT-OF-WAY (R.O.W.) LINE OF AN ALLEY (10' R.O.W.), BEING THE NORTHWEST CORNER OF THAT CERTAIN LOT 7 OF SAID R.C. LAMBIES RESUBDIVISION OF VOSS ADDITION, FOR THE NORTHEAST CORNER OF THAT CERTAIN LOT 6 OF SAID R.C. LAMBIES RESUBDIVISION OF VOSS ADDITION AND THE NORTHEAST CORNER HEREOF;

THENCE SOUTH 27°22'38" WEST, WITH THE WESTERLY LINE OF SAID LOT 7, SAME BEING THE EASTERLY LINE OF SAID LOT 6 AND THE EASTERLY LINE HEREOF, A DISTANCE OF 149.97' (RECORD-VOL. 3, PG. 85, T.C.P.R.: 150') TO A MAG NAIL FOUND IN THE NORTHERLY R.O.W. OF CLERMONT AVENUE (60' R.O.W.), BEING AT THE SOUTHWEST CORNER OF SAID LOT 7, FOR THE SOUTHEAST CORNER OF SAID LOT 6 AND THE SOUTHEAST CORNER HEREOF, FROM WHICH A 3/4" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID LOT 7, BEING THE SOUTHWEST CORNER OF LOT 1, BLOCK 'C' OF SAID R.C. LAMBIES RESUBDIVISION OF VOSS ADDITION BEARS SOUTH 69°11'58" EAST, A DISTANCE OF 50.00';

THENCE NORTH 69°11'58" WEST, WITH THE NORTHERLY R.O.W. LINE OF SAID CLERMONT AVENUE, SAME BEING THE SOUTHERLY LINE OF SAID LOT 6 AND THE SOUTHERLY LINE HEREOF, A DISTANCE OF 41.51' TO A CAPPED 1/2" IRON ROD FOUND IN THE EASTERLY LINE OF INTERSTATE HIGHWAY NO. 35 (R.O.W. VARIES), BEING THE SOUTHEAST CORNER OF THAT CERTAIN CALLED 0.0085 ACRE TRACT OF LAND CONVEYED TO THE STATE HIGHWAY AND PUBLIC TRANSPORTATION COMMISSION BY DEED FOR CONTROLLED ACCESS HIGHWAY FACILITY, RECORDED IN VOL. 6574, PG. 953, T.C.D.R., FOR THE SOUTHWEST CORNER HEREOF;

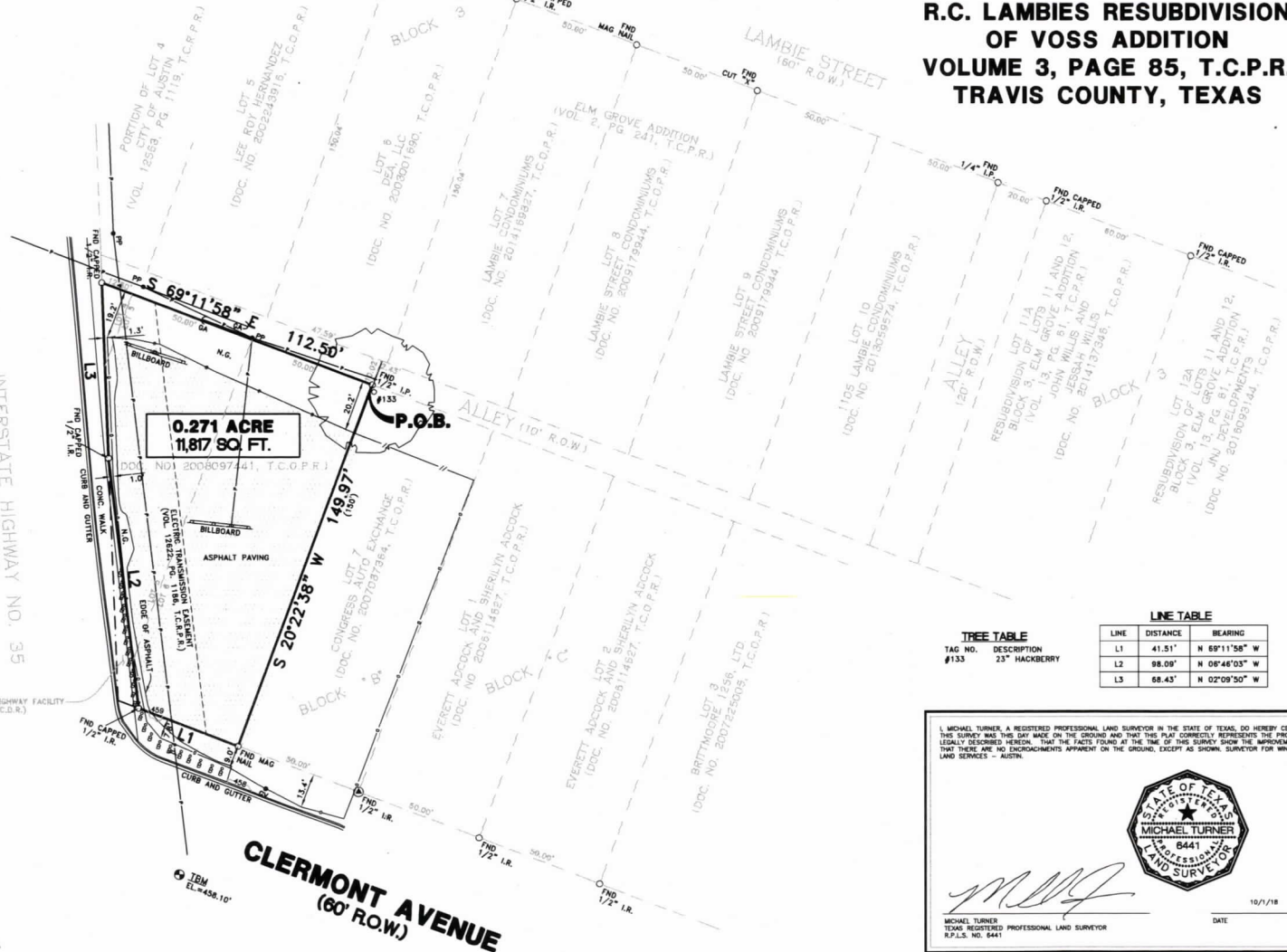
THENCE NORTH 06°40'03" WEST, WITH THE EASTERLY R.O.W. LINE OF SAID INTERSTATE HIGHWAY NO. 35, SAME BEING THE EASTERLY LINE OF SAID STATE HIGHWAY AND PUBLIC TRANSPORTATION COMMISSION TRACT AND THE WESTERLY LINE HEREOF, PASSING THROUGH AND ACROSS SAID LOTS 4 AND 5, A DISTANCE OF 98.09' TO CAPPED 3/4" IRON ROD FOUND AT AN ANGLE POINT IN THE EASTERLY R.O.W. LINE OF SAID INTERSTATE HIGHWAY NO. 35, BEING THE NORTHERN CORNER OF SAID STATE HIGHWAY AND PUBLIC TRANSPORTATION COMMISSION TRACT, FOR AN ANGLE POINT HEREOF;

THENCE NORTH 02°09'50" WEST, CONTINUING WITH THE EASTERLY R.O.W. LINE OF SAID INTERSTATE HIGHWAY NO. 35, CONTINUING WITH THE WESTERLY LINE HEREOF, CONTINUING THROUGH AND ACROSS SAID LOT 5 AND PASSING THROUGH AND ACROSS SAID LOT 4, A DISTANCE OF 68.43' TO A CAPPED 3/4" IRON ROD FOUND IN THE SOUTHERLY R.O.W. LINE OF SAID ALLEY, BEING A POINT IN THE NORTHERLY LINE OF SAID LOT 4, FOR THE NORTHWEST CORNER HEREOF;

THENCE SOUTH 69°11'58" EAST, WITH THE SOUTHERLY R.O.W. LINE OF SAID ALLEY, SAME BEING A PORTION OF THE NORTHERLY LINE OF SAID LOT 4 AND THE NORTHERLY LINES OF SAID LOTS 5 AND 6, AND THE NORTHERLY LINE HEREOF, A DISTANCE OF 112.50' TO THE POINT OF BEGINNING AND CONTAINING 0.271 ACRES (11,817 SQ. FT.) OF LAND AS SURVEY ON THE GROUND.

DEED FOR CONTROLLED ACCESS HIGHWAY FACILITY
(VOL. 6574, PG. 953, T.C.D.R.)

INTERSTATE HIGHWAY NO. 35
(R.O.W. VARIES)



BOUNDARY, TREE AND TOPOGRAPHICAL SURVEY OF A PORTION OF LOTS 4, 5, AND 6, BLOCK 'B', R.C. LAMBIES RESUBDIVISION OF VOSS ADDITION VOLUME 3, PAGE 85, T.C.P.R. TRAVIS COUNTY, TEXAS

TAG NO.	DESCRIPTION
#133	23" HACKBERRY

LINE	DISTANCE	BEARING
L1	41.51'	N 69°11'58" W
L2	98.09'	N 06°46'03" W
L3	68.43'	N 02°09'50" W

GENERAL NOTES

- THIS SURVEY WAS PREPARED WITH INFORMATION CONTAINED IN TITLE COMMITMENT OF NO. 14864-17-02782 OF STEWART TITLE GUARANTY COMPANY, EFFECTIVE DATE OF DECEMBER 20, 2017. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY.
- ALL BEARINGS ARE BASED ON RIGHT OF WAY DEED RECORDED IN VOL. 6574, PG. 953, T.C.D.R., UNLESS OTHERWISE NOTED.
- ALL EASEMENTS AND BUILDING LINES ARE BASED ON RECORDED PLAT, UNLESS OTHERWISE NOTED.
- THE SUBJECT PROPERTY IS LOCATED IN ZONE 'X(SHADOWED)' ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 48024-D-0484 DATED REVISED JANUARY 06, 2016. ZONE DETERMINATION WAS DONE BY GRAPHIC PLOTTING FROM THE FEMA MAP. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.
- SUBJECT TO ALL APPLICABLE CITY AND/OR COUNTY DEVELOPMENT CODES AND ORDINANCES.
- ELECTRIC TRANSMISSION EASEMENT (WEST SIDE) TO THE CITY OF AUSTIN BY VOL. 12622, PG. 1186, T.C.P.R., AS SHOWN HEREOF.
- ELEVATIONS SHOWN HEREON ARE BASED ON GPS OBSERVATION USING NAVD83 VERTICAL DATUM.

LEGEND

- BOLLARD
- ELECTRIC METER
- GAS VALVE
- SIGN
- CHAINLINK FENCE
- NATURAL GROUND
- WOOD FENCE
- CONTROL MONUMENT
- RECORD
- POINT OF BEGINNING
- MAG NAIL SET AS TEMPORARY BENCHMARK

REVISIONS

DATE	REASON
10/04/18	REMOVED TREE NO. 132

I, MICHAEL TURNER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THIS PLAT CORRECTLY REPRESENTS THE PROPERTY LEGALLY DESCRIBED HEREON. THE FACTS FOUND IN THE SURVEY SHOW THE IMPROVEMENTS AND THAT THERE ARE NO ENCUMBRANCES APPARENT ON THE GROUND, EXCEPT AS SHOWN. SURVEYOR FOR WINDROSE LAND SERVICES - AUSTIN.



Michael Turner
MICHAEL TURNER
TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR
R.P.L.S. NO. 8441

10/1/18

DATE

PURCHASER: ESTEEM INVESTMENTS LLC
ADDRESS: 1010 CLERMONT AVENUE, AUSTIN, TEXAS 78702
LENDER: STEWART TITLE GUARANTY COMPANY
TITLE COMPANY: STEWART TITLE GUARANTY COMPANY

FILED BY: 08/24/18
CHECKED BY: 10/01/18
JOB NO. 31233
SHEET 1 OF 1

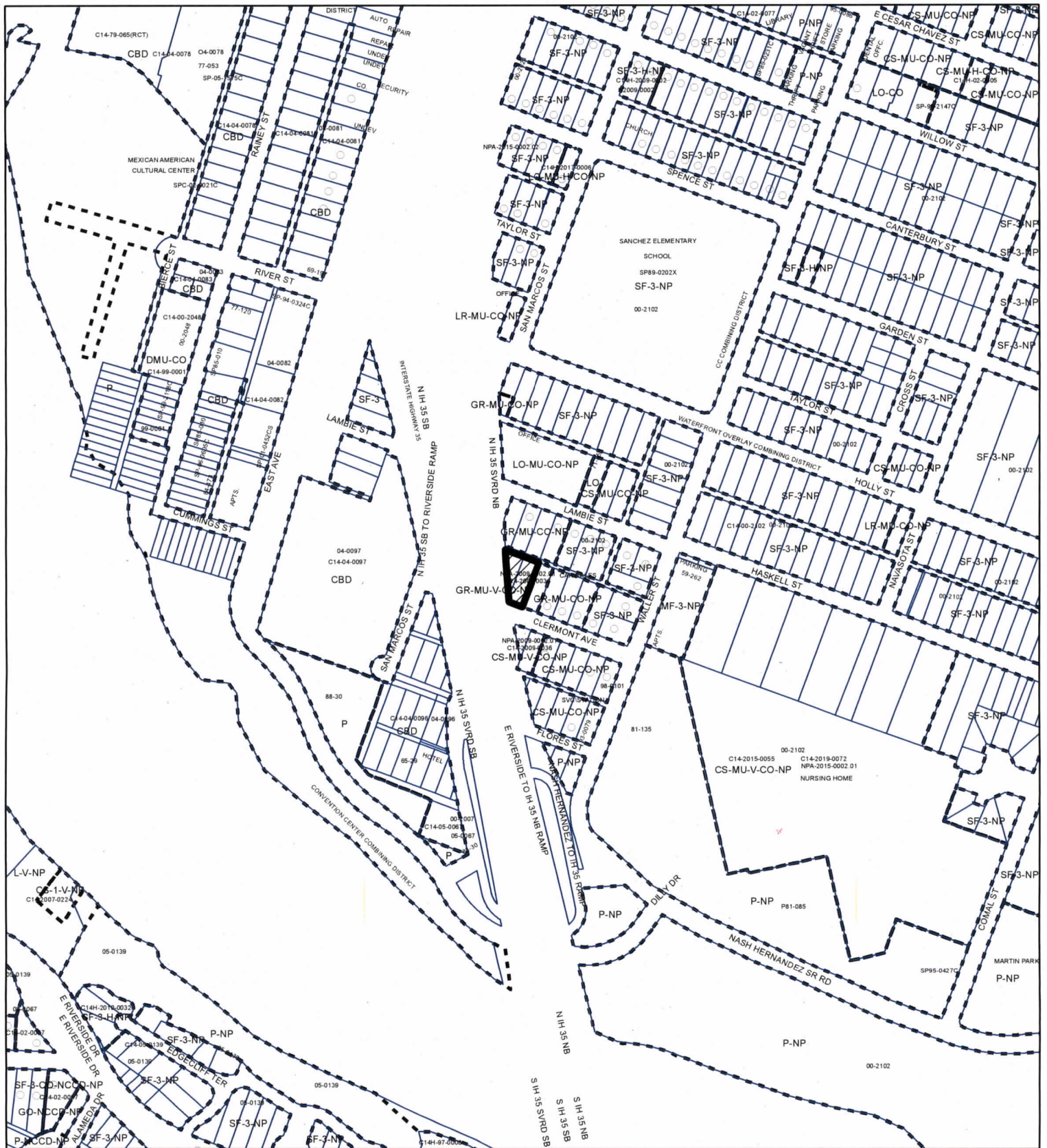
Windrose Services

Land Austin

4120 Commercial Center Dr.
Suite 300
Austin, Texas 78746
FIRM REGISTRATION NO. 10110400

Telephone: (512) 326-2100
Fax: (512) 326-2770
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EXHIBIT "A"



ZONING

ZONING CASE#: C14-2019-0101

EXHIBIT "B"



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 7/31/2019